the text-books and cases are not without *dicta* in its support (1 Bish. New Crim. Law, § 869; *Com.* v. *Crum*, 58 Pa. 9; *Gilleland* v. *State*, 44 Tex. 356).

The following passage shows that some such idea was present to the minds of the old lawyers, and is of interest in this connection: "But if one were threatened that if he should come to such a market, or into such a place, he should there be beaten, in that case he could not assemble persons to help him go there in personal safety, for he need not go there, and he may have a remedy by surety of the peace" (Anon. Y. B. 21 Hen. VII. 39, pl. 50).

COMPENSATION FOR IMPROVING ANOTHER'S PROPERTY WITHOUT REQUEST. — The Supreme Court of North Carolina, in *Gaskins* v. *Davis*, 20 S. E. R. 188, decides that one who cuts logs on another's land by mistake cannot, when they are retaken by the lawful owner, claim compensation for their increase in value caused by his having transported them to market. The action was by the lawful owner for damages for cutting other logs, and defendant sought to counter-claim.

Had the mistaken wrongdoer sufficiently changed the nature or enhanced the value of the logs to acquire title to them by accession, the measure of damages would have been limited to the value of the logs at the time of the conversion. The same rule would have applied in many jurisdictions if there had been no accession, and the real owner had brought trover for the logs instead of retaking them. In both cases defendant would, in effect, have been compensated for the increase in value which his labor had brought about. It seems unfortunate that in the single case where there has been no accession, and the logs are retaken by the owner, the right to compensation should be denied. In *Isle Royal Mining Co.* v. *Hertin*, 37 Mich. 332, a similar log case, the claim was denied because to allow it would be to offer a "premium to heedlessness and blunders." The rule of damages in accession and trover seems equally lenient to blunderers, and has not been found disastrous in practice.

It is rather difficult to distinguish the cases on principle from those in which a right to compensation in equity has been allowed for improvements to land made under a mistaken belief of ownership (*Albea* v. *Griffin*, 2 Dev. & B. Eq. 9 (N. C.); Rodman, J., in *Potter* v. *Mardre*, 74 N. C. 40). A decision to much the same effect was made in *Bright* v. *Boyd*, 1 Story, 478; 2 Story, 608. And see Keener, Quasi-Contracts, 385, 386.

The analogy was noticed by the court in the principal case.

COMPARATIVE NEGLIGENCE. — The REVIEW has received a letter from Mr. E. Parmalee Prentice, of Chicago, kindly calling attention to the fact that in the note on Comparative Negligence, in the January number, the future of that doctrine was suggested in a somewhat more cautious way than the situation requires. For this view he cites *Railway Co.* v. *Hession*, 37 N. E. R. 905–907; *City of Lanark* v. *Dougherty*, 38 N. E. R. 892; *Iron Co.* v. *Martin*, 115 Ill. 358; *Wenona Coal Co.* v. *Holmquist*, 38 N. E. R. 946, and adds that ever since the Martin case that rule has been regarded by the Chicago Bar as discredited. Whatever weight may be given to the earlier cases, the opinion of the local bar on this question,